

APPROVED

MEMORANDUM OF DISCUSSION IN  
PERFORMANCE OF ADMINISTRATIVE FUNCTION

June 2, 2015

On June 2, 2015, Mr. Shalleck, Mr. Vincent, Mrs. Khozeimeh, Ms. Keeffe, Ms. Phillips, Mr. Naimon, Mrs. Rivera-Oven, Mr. Karpinski, Ms. Jurgensen, Ms. McLaughlin, Ms. Roher and Ms. Merino convened in open Administrative Function (formerly referenced as Executive Function under the Open Meetings Act) at 2:10 p.m. to discuss issues related to the appointment of Board members. Guests in attendance were Kate Alexander, Mike Higgs, Dolly Kildee, Sheila Shalleck, Michael Subin, Karen Vincent, and Gilberto Zelaya. The following is a summary of the discussion.

The Board Members were sworn in by the Deputy Clerk of the Court as members of the Board prior to the start of the meeting.

**Election of Officers**

Mr. Vincent nominated James F. Shalleck as President of the Board of Elections; the nomination was seconded by Ms. Khozeimeh, the appointment passed unanimously.

Mr. Shalleck nominated Nahid Khozeimeh as the Vice President of the Board of Elections; the nomination was seconded by Mr. Vincent, the appointment passed unanimously.

Mr. Naimon and Ms. Rivera-Oven nominated Mary Ann Keeffe as Secretary of the Board of Elections, the nomination was seconded by Mrs. Khozeimeh. Mr. Naimon provided the following remarks: "During Mary Ann's tenure as President, the Board made a number of improvements in the election process, almost all of them in bipartisan fashion, and [I] just wanted to mention some of them at this time. We made the website more user friendly and informative, we made the minutes of the meetings much more detailed so that the public could understand what is happening at our meetings. We made recordings of our meetings available to the public on our website and on *You Tube*. We had several meetings specifically to get public comment including an offsite meeting. We successfully increased the budget for outreach to voters about the three ways to vote, including the first-ever budget specifically for outreach to Spanish-speaking voters. Most recently [we] successfully increased resources for transition to the new voting system. We successfully got County resources for a ninth voting site [Early Voting] that state law leaves up to the County; we added new Early Voting sites in Bethesda/Chevy Chase, Damascus, Gaithersburg, and Wheaton. We clarified the ability of young voters to register to vote. We identified and began the process of addressing issues with the MVA and Voter Registration, although there's still much more to be done. We implemented the State law that broadens First Amendment rights by moving the "no electioneering" lines closer to the entrance to the polls. We addressed Election Day lines by promoting Early Voting and voting by mail. We addressed Election Day lines in Leisure World by adding a third polling

place at Leisure World. And we ran inclusive meetings that allowed all Board members of both parties, including both regular and substitute members, to have their say on issues before the Board." The vote to appoint Ms. Keeffe as Board Secretary was unanimous.

The Board Attorney congratulated the elected officers of the Board.

Ms. Keeffe thanked Mr. Naimon for his remarks; she noted that the accomplishments stated were done as a whole with a congenial Board working alongside the Board Attorney and staff. She stated that she is ready to work with the Board President as Secretary for the next four years in what is an important time - the implementation of the new voting system. She acknowledged Mr. Shalleck's background and stated that his reputation precedes him to the Board of Elections as a well-respected Attorney who has served as an Assistant District Attorney for Bronx, New York, with high-profile cases, former Assistant Attorney General for New York State, he also served in the U.S Department of Justice and is currently a criminal defense lawyer for Montgomery County. Mr. Shalleck's activity in the Montgomery County community expands in multiple organizations.

Mr. Shalleck thanked the Board members, Republican Central Committee, Mike Higgs, Chair for the Republican Central Committee, and Governor Hogan for entrusting him to the Board of Elections. He noted that it is a tremendous honor, and although the Board sits three Republicans and two Democrats, it also includes all the staff to ensure that voting is accessible to our registered voters. He is committed to a nonpartisan approach, and thanked Ms. Keeffe for her service as the past Board President. He noted that she served the past four years with grace, dignity and integrity and has been a great public servant.

### **Review of Bylaws and Review of Open Meetings Act**

Mr. Karpinski noted that the Bylaws were provided in advance. He asked if there were any questions. He briefly went through the Board members packet that included the Bylaws, powers and duties of Board members, the Open Meetings Act, and a calendar that he encouraged Board members to review to reserve dates when members would be needed.

### **Montgomery County Board of Elections Overview**

Ms. Jurgensen provided a brief synopsis of what the Board of Elections does. She noted that reports will also be provided at the June Board meeting.

### **Election Timeline Review**

Ms. Jurgensen discussed upcoming important dates specific to the September 28 deadline to submit the Early Voting sites for the 2016 Election. The mock election will occur in October and one polling place will need to be activated. Further information will be provided at the Biennial and MAEO conferences. January 26 is the deadline to submit polling places for the 2016 Election. Ms. Jurgensen briefly reviewed other important dates and will discuss them further as they approach.



## **Future Meetings**

The Board discussed future meeting dates and rescheduled three meetings. The Board agreed that the June 15 Board meeting will be rescheduled to June 22, 2015; the July 20 Board meeting will be rescheduled to July 27. The tentative August 17 Board meeting will be rescheduled to August 31 and remain tentative.

## **Review of Bylaws and Review of Open Meetings Act**

Mr. Naimon requested that the Open Meeting Act be revisited, specifically seeking clarification on today's meeting. Mr. Karpinski noted that today's Administrative Meeting may be classified as an administrative meeting and, as such, an Administrative Function is not covered by the Open Meeting Act; however, it has been made public today. Mr. Naimon inquired which statute governs the Open Meeting Act. Mr. Karpinski responded it is based on the definition of an administrative function and the tradition of the Board.

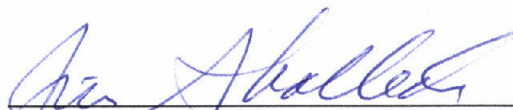
Ms. Keeffe asked for clarification regarding Board members meeting outside of a Board meeting. Mr. Karpinski stated there may be discussion amongst Board members outside of the Board meetings if it is less than a quorum (quorum is four members). Mr. Karpinski indicated that if the majority members meet to discuss business it would violate the Open Meetings Act. Mr. Karpinski stated that Board members should not meet in a quorum to discuss business outside of posted meetings.

Mr. Naimon asked that Mr. Karpinski review the Bylaws, specifically Political Activity. Mr. Karpinski stated that the Bylaws are a product of the model State Bylaws and the Board has made amendments to them; in this case, political activity was modified by the past Board. Mr. Karpinski reviewed political activity dos and don'ts. Members may attend fundraisers held by candidates, political parties, or ballot issue committees, provided the member pays for his or her own ticket for the event, and the member does not publicly indicate that he or she is a member of the Board. Members may make contributions to candidates or committee issues on the ballot, but a Member may not use his or her name as a host of a political event or solicit a political contribution from anyone or allow his or her name to be used to solicit a contribution. But you can allow someone to use your house for a party, for example if your spouse would like to host a party. A Member may not sign a petition. A Member may not publicly display or publicly comment to show support for or opposition to candidates and issues. A member may not wear campaign paraphernalia that shows support or opposition for or against candidates or issues on the ballot.

### **Biennial Meeting Information**

Ms. Roher reviewed the MAEO Conference arrangements with the Board. The Board discussed the draft agenda; Ms. McLaughlin will provide the Board with an updated agenda.

With no further items to discuss, Mrs. Khozeimeh made a motion to close the meeting at 3:23 p.m. The motion was seconded by Mr. Shalleck and passed unanimously.



Jim Shalleck, President  
Montgomery County Board of Elections